

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project would not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

**2.0 GENERAL PLAN FINDINGS**

**2.1 The project is consistent with the General Plan.**

The proposed Rezone from Residential Two-Acre (R2A) to Commercial- Planned Development (C-PD) will bring the parcel zoning into conformance with the Commercial (C) General Plan Land Use Designation.

No development is proposed as part of the application. All future development will be reviewed through the Planned Development application process will review potential impacts and ensure compliance with applicable General Plan policies.

**3.0 ZONING FINDINGS**

**3.1 The proposed project is consistent with the Zoning Ordinance.**

The proposed Rezone will bring the parcel zoning into conformance with the General Plan. The proposed Parcel Map will create three parcels which meet the minimum lot size requirement of the C Zone District.

All future development of the site will be approved through the Planned Development application process which will require conformance with the Development Standards of the C Zone District and subject to the required Planned Development Findings of Approval.

**4.0 TENTATIVE PARCEL MAP FINDINGS**

**4.1 That the proposed map is consistent with the applicable general and specific plans;**

The proposed Parcel Map will create three parcels suitable for development consistent with the Commercial Land Use Designation.

**4.2 That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans;**

The proposed parcel sizes will be consistent within the C land use designation and comply with the Development Standards of the C Zone District. Future development of the site will be reviewed through the Planned Development which will evaluate the future improvements for consistency with applicable policies of the General Plan.

**4.3 That the site is physically suitable for the type of development;**

No development will occur as part of the project. All future development will be reviewed through the Planned Development process to ensure the proposed uses are consistent within the C Zone District and compatible within the project area.

**4.4 That the site is physically suitable for the proposed density of development;**

No development will occur as part of the project. The proposed parcels sizes will conform to the C Zone District Development Standards. All future development will be reviewed through the Planned Development process to ensure proposed densities will be suitable on the site.

**4.5 That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;**

No improvements will occur as part of the project. All future development will be reviewed through the Planned Development process which will analyze potential environmental impacts as a result of development. Any potential impacts will require conditions of approval or mitigation measures

**4.6 That the design of the subdivision or the type of improvements is not likely to create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties;**

The project will create three commercially-zoned parcels. No development will occur as part of this application. All future development will be reviewed through the Planned Development process. Prior to approval of any Development Plan, the project will be required to demonstrate that the proposed development will not result in public, health, and safety risks.

- 4.7 That the design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §6, 1988: prior code §9348)**

The project will be required to perform road improvements along the project frontage on Green Valley Road and Sophia Parkway. The required road improvements will be consistent with the County Design Manual. No development is proposed as part of the project. All future development will be reviewed through the Planned Development process to ensure that adequate circulation will be provided through project site.

### **Conditions of Approval**

#### **Project Description:**

1. This Parcel Map and Zone Change are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated September 25, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would allow a three lot Parcel Map and Rezone. The Rezone would change the parcel from Two-Acre Residential (R2A) to Commercial- Planned Development (C-PD). The parcel sizes are as follows: Parcel 1- 2.39-acres, Parcel 2- 2.12-acres, Parcel 3- 3.59 acres. Each parcel would be served by EID public water wastewater services.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Planning Services:**

2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Parcel Map.
3. All Development Services fees shall be paid prior to filing of the Parcel Map. Planning Services shall verify payment of all fees prior to the filing the Parcel Map.
4. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

6. Prior to any filing the parcel map, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
7. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

**Department of Transportation:**

***Project Specific Conditions:***

8. The applicant shall construct frontage improvements on Green Valley Road along the entire on-site portion of Parcel 1 which shall include the following:
  - Lengthening the existing right turn pocket and taper to the required geometrics for access to this site.
  - Extending the Class 2 bike lane from the west to the Sophia Parkway intersection. To accommodate the Class 2 bike lane, the existing right turn pocket shall be re-stripped to a width of 12 feet, with the Class 2 bike lane being placed between the number 2

through lane and the right turn pocket. The number 2 through lane shall be re-stripped to a width of 11 feet.

- ~~Place a 4 foot wide paved shoulder.~~
- Place a Type 2 vertical curb and gutter and a six (6) foot wide sidewalk per the Design and Improvement Standards Manual (DISM), Standard Plan 104 and 110.

The signing and striping for these roadway improvements shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The existing pavement surface along Green Valley Road is a 1 inch pavement overlay of an open graded friction course (OGFC) as specified in the Caltrans Standard Specification and Standard Special Provisions. All additional pavement widening required for this project shall be constructed to this OGFC specification or reasonable alternative as approved by the DOT. The applicant shall provide any additional right of way/slope easements for said improvements, as required by the DOT. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.

- ~~9. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachments onto Green Valley Road and Sophia Parkway per DISM, Standard Plan 103G (modified). Both of these encroachments shall be designed as right in/ right out traffic movements only. The design for the Green Valley Road encroachment shall include a raised traffic island with curbing and striping to prevent left turn movements at this intersection. The signing and striping for the Green Valley Road encroachment access shall be designed and constructed per the latest version of the MUTCD and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.~~

- ~~10.9.~~ In lieu of placing right turn pocket channelization and acceleration/deceleration lanes at the Sophia Parkway encroachment access, the applicant shall restripe both directions of Sophia Parkway to include 2 through lanes in each direction and a Class 2 Bike lane, from the intersection of Green Valley Road to the Elmore Way intersection. This required signing and striping shall be designed and placed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to ~~the recordation of the map.~~ issuance of a building permit.

- ~~11. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.~~

- ~~12.10.~~ The applicant shall enter into a road improvement agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The executed agreement and subsequent improvements shall be completed, to the approval of

the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the ~~recording of the map~~ issuance of a building permit.

- ~~13.11.~~ The applicant shall irrevocably offer to dedicate, in fee, any additional right of way ~~and slope easements~~ as required for the approved improvements along the entire project frontage of Green Valley Road and Sophia Parkway, prior to the recording of the map. This offer will be accepted by the County.
- ~~14.~~ ~~Prior to recording of the map, the applicant shall record a vehicular access restriction along the entire frontage of Green Valley Road and Sophia Parkway for Parcel 1, excluding the locations of the approved access encroachments.~~
- ~~15.12.~~ A commercial grading permit is required for on-site improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Development Services Department for review and approval. On-site detention and storm water treatment is required for this site. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. The improvements and grading shall be substantially completed, to the approval of the Development Services Department, prior to ~~occupancy~~ issuance of a building permit.

### ***Standard Conditions***

- ~~16.13.~~ At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
- ~~17.14.~~ Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
- ~~18.15.~~ The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not

completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

- ~~19.~~16. Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
20. ~~The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).~~
- ~~21.~~17. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
- ~~22.~~18. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
- ~~23.~~19. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
- ~~24.~~20. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
- ~~25.~~21. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to ~~filing of the final map.~~issuance of a building permit.
- ~~26.~~22. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to ~~filing the final map.~~issuance of a building permit.

~~27.23.~~ Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.

~~28.24.~~ The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

~~29.25.~~ The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

**El Dorado Hills Fire Department:**

~~30.26.~~ The proposed project shall have and maintain two points of egress. The Department shall review and approve the egress prior to filing the Parcel Map.

~~31.27.~~ This development shall install Mueller Dry Barrel Fire Hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants shall not exceed 300 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the Fire Department.

~~32.28.~~ To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.

~~33.29.~~ In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard 103.

~~34.30.~~ This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.

~~35.31.~~ Each building shall be addressed in accordance with the Fire Department requirements.

~~36.32.~~ The applicant shall provide the Fire Department with a CD that contains all the CAD files for this project.

~~37.33.~~ All buildings shall be sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.

~~38.34.~~ This development shall provide a minimum of two unobstructed access roadways during construction of any building.

~~39.35.~~ All trash enclosures shall be located a minimum of 5 feet from a building wall.



- 40.36. The minimum ingress and egress for emergency vehicles is 20 feet.
- 41.37. A KNOX box shall be installed on each building to contain the master key to open all exterior doors.
- 42.38. The street addressing shall conform to the El Dorado Hills Fire Department standard.
- 43.39. The required fire flow for the fire protection of the proposed referenced project is 1,625 gallons per minute with a 20psi residual for a two hour duration. This flow rated is in addition to the highest maximum daily consumption and is based on the premise that a fire sprinklered commercial building is to be of type V-N rated construction and shall not exceed 14, 280 square feet in size. The flow calculation was based upon current information. Any changes in this information may change the fire flow requirements.

#### **Air Quality Management District**

- 44.40. The applicant shall make applications and pay the appropriate fees for a Fugitive Dust Plan. The District shall review and approve the plan prior to commencement of any construction.
- 45.41. The applicant shall comply with all District air quality rules during project construction.

#### **County Surveyor**

- 46.42. All survey monuments shall be set prior to filing of the parcel map.
- 47.43. Prior to filing of the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that “all conditions placed on P07-0033 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.
- 48.44. The applicant shall provide a Parcel Map Guarantee issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).